

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

CANDRA BETH CLARK

PETITIONER

CIVIL ACTION NO. 1:21-cv-228-TBM-RPM

EVAN HUBBARD

RESPONDENT

ORDER

BEFORE THE COURT is pro se Petitioner Candra Beth Clark's Petition [1] for habeas corpus relief pursuant to 28 U.S.C. § 2241. Clark is incarcerated at the Harrison County Detention Center in Gulfport, Mississippi. It appears Clark is challenging her pretrial detention for a felony charge of malicious mischief pending in the Harrison County Circuit Court. Clark also mentions charges or convictions of attempted aggravated assault on a law enforcement officer and domestic violence in Tippah County, Mississippi.<sup>1</sup>

"A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court." Rule 2(e) of the *Rules Governing Section 2254 Cases in the United States District Courts*.<sup>2</sup> Therefore, Clark may not challenge a pending charge or conviction from two separate state courts in one habeas petition. Since the filings of a pro se litigant "are entitled to the benefit of liberal construction," the Court construes this habeas petition as a challenge to the pending charge(s) in Harrison County Circuit Court because the petition states that a charge is pending in Harrison County Circuit Court and Harrison County is where Clark is presently incarcerated. *Hernandez v. Thaler*, 630 F.3d 420, 426-27 (5th Cir. 2011) (citations omitted). If Clark wishes to challenge a charge or conviction from a

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<sup>1</sup> Clark also includes complaints about the conditions of her confinement at the Harrison County Detention Center. The Court notes that she is pursuing her conditions-of-confinement claims in a separate civil action under 42 U.S.C. § 1983 in this Court. *See Clark v. Harrison County*, no. 1:21-cv-84-TBM-RPM (S.D. Miss. filed Mar. 24, 2001).

<sup>2</sup> "A district court may apply any or all of the rules governing § 2254 habeas petitions to those cases filed pursuant to § 2241." *Reyes-Gonzalez v. Driver*, No. C-05-248, 2005 WL 1669830, at \*2 (S. D. Tex. 2005) (citing Rule 1(b) of the Rules Governing § 2254 Cases) (additional citations omitted).

different state court she is directed to file a separate petition for habeas corpus relief. In other words, this petition is only considered as a challenge to the detention by Harrison County for a charge(s) pending in Harrison County Circuit Court. With that said, the Court directs Clark to provide clarification and additional information. Therefore, it is, hereby,

ORDERED AND ADJUDGED that on or before August 25, 2021, Clark shall file a written response to answer the following questions:

- (1) Are you challenging a felony charge for malicious mischief pending in Harrison County Circuit Court?
- (2) Is the felony charge of malicious mischief pending in Harrison County Circuit Court the charge responsible for your current incarceration?
- (3) What is the present status of the charge or charges responsible for your current incarceration?
- (4) Has the Harrison County Circuit Court set a trial date for the charge or charges responsible for your current incarceration? If so, state the date;
- (5) Are you presently represented by counsel for the charge or charges pending in Harrison County Circuit Court?
- (6) Have you filed any petitions, applications, or motions with respect to the grounds presented in this petition regarding the pending charge(s) in Harrison County Circuit Court in any court, state or federal? If so, state the (a) name of the court(s); (b) nature of proceedings; (c) the grounds raised; (d) whether or not an evidentiary hearing was held; (e) the results; and (f) the date of the results.

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this order to Petitioner Clark at her address of record. Clark is cautioned that her failure to timely comply with this Order or any order of this Court or her failure to keep this Court informed of her current address will result in the dismissal of this case.

SO ORDERED, this the 4th day of August, 2021.

/s/ Robert P. Myers, Jr.  
ROBERT P. MYERS, JR.  
UNITED STATES MAGISTRATE JUDGE